

Mortgage Modification Mediation

Docketing Events

Bankruptcy > Motions/Applications/Objections > Motion for Referral to Mortgage Modification Mediation

Bankruptcy > Answer/Response > Objection > Objection to Selection of Mediator

Bankruptcy > Motions/Applications/Objections > Motion for Reconsideration

Bankruptcy > Miscellaneous > Mediator's Report and Notice

Bankruptcy > Motions/Applications/Objections > Motion for Approval

Negative Notice: Motion to Permanently Approve Agreement

Fee: N/A

Code and Rule References

[Admin. Order FLMB-2013-3](#)

[Admin. Order FLMB-2015-1](#)

[Admin. Order FLMB-2015-7](#)

Description

The Mortgage Modification Mediation (MMM) program helps individual debtors, in any Chapter, explore mortgage modification options with their lenders for real property in which the debtors have an interest or are obligated on the promissory note or mortgage. The goal of MMM is to facilitate communication and exchange of information in a confidential setting and encourage the parties to finalize a feasible and beneficial agreement with the assistance and supervision of the Court.

The Court's form order directing MMM provides many details of the process, including direction to the parties and, where necessary, remedies in the following areas:

- Selection of a mediator
- Objections to mediation
- Mandatory use and rules of use of a document submission portal
- Scheduling and concluding Mediation
- Settlement authority
- Lender and Mediator obligations
- Fees
- Lifting of the Stay and Adequate Protection for Chapter 12 or 13 cases

Mediators are selected by the parties from a [list of approved mediators](#) posted on the Court's website and complying with Administrative Order FLMB-2015-7. Those wishing to be added to the list of residential mortgage foreclosure mediators may do so by completing an application, available [here](#). To find approved residential mortgage medication courses, click [here](#).

The following general terms apply:

1. MMM is available in all cases and for any type of real property;

2. Motions must contain the information listed in the Filing Checklist below;
3. No negative notice is required for a motion seeking MMM, but lenders may seek reconsideration for cause within 14 days of entry of an order directing MMM;
4. A motion seeking MMM shall be filed within 90 days of the filing or conversion of the case. The Court will prepare and enter an order directing MMM on timely filed motions. If not timely filed, the Court may set a hearing and will grant the request only if good cause is demonstrated for the delay;
5. The parties must conclude the MMM process within 150 days of the filing or conversion of the case, unless that time is enlarged by written consent on the portal, by stipulation of the parties, or by Court order;
6. Parties shall have 14 days after the entry of the order directing MMM to jointly select a mediator qualified pursuant to Administrative Order FLMB-2015-7 or to object to the mediator selection process. If the parties cannot agree on a mediator, the Debtor will select a mediator, and the lender may file an objection within 7 days. If a timely objection to a mediator is filed, the Chapter 12 or 13 Trustee or the Clerk in a Chapter 7 or 11 case will select the mediator;
7. Both Debtor and Lender each shall pay \$250 directly to the mediator within seven days of the designation of the mediator. Parties also shall equally pay the Mediator for any additional hourly fees incurred from MMM conferences that extend beyond two, one-hour sessions;
8. Parties must use the secure portal ("Portal") for submission of documents to initiate the MMM and follow guidelines included in the Court's order directing MMM;
9. The parties may communicate outside the Portal orally, but all written communication shall occur through the Portal;
10. Parties should submit a proposed order simultaneously with a motion seeking approval of a temporary MMM agreement without need of negative notice or hearing;
11. Parties may use negative notice when filing a motion seeking approval of a permanent MMM agreement;
12. An order approving a permanent MMM agreement shall be in a format that can be recorded in the public records of the county where the relevant property is located and should be recorded by the Debtor within 90 days of the entry of the order, unless the parties agree otherwise;
13. In Chapter 12 and 13 cases, Debtors seeking MMM must provide adequate protection to the lenders. For homestead properties, the Debtor must pay the Chapter 12 or 13 Trustee the lesser of: (1) 31% of their gross disposable income (after deducting homeowner association fees); or (2) the normal monthly contractual mortgage payment. For non-homestead property, the Debtor shall pay to the Chapter 12 or 13 Trustee 75% of all rental income generated by the property. The Trustee shall hold the funds pending either further order of the Court or a joint stipulation of the parties. In all other chapters, the Debtor shall make the trial payments directly to the lender as agreed between the parties and without requiring Court approval or any modification of the automatic stay;
14. In Chapter 12 and 13 cases, the Court may confirm a plan of reorganization subject to pending MMM; and
15. The MMM procedures do not affect amounts of allowed attorney fees for debtor and creditor attorneys participating in the MMM program. Divisional practices and limitations on such fees still control.

Filing Checklist: Motion for Mortgage Modification Mediation

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF
- ☐ Is properly served and includes a proper certificate of service;
- ☐ Includes a property address on the first page;
- ☐ Includes the last four digits of the mortgage loan number on the first page;
- ☐ Includes the name of the creditor holding the mortgage; and
- ☐ Is filed within 90 days of the petition file date or conversion date.

❖ **Note:** If filing an amended motion, you must select **Amended** from the drop-down menu on the Modify as Appropriate screen

Filing Checklist: Objection to Selection of Mediator

Review the objection to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF
- ☐ Is properly served and includes a proper certificate of service.

Filing Checklist: Motion for Reconsideration of Order Directing Mortgage Modification Mediation

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF
- ☐ Is properly served and includes a proper certificate of service.

Filing Checklist: Motion for Approval of Temporary Mortgage Modification Agreement

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF
- ☐ Is properly served and includes a proper certificate of service.

Filing Checklist: Motion for Approval of Permanent Mortgage Modification Agreement

Review the motion to determine if it:

- ☐ Is signed;
- ☐ Has the attorney's name and address are complete and consistent with the filing attorney's name and address in CM/ECF
- ☐ Is properly served and includes a proper certificate of service; and
- ☐ Contains negative notice that contains correct language and is located on the first page.

❖ **Note:** Response period is 21 days (plus 3 days for mailing).

Forms

[Motion to Amend Mortgage Modification Mediation Order](#)

[Order Granting Motion to Amend Mortgage Modification Mediation Order](#)

[Motion for Referral Mortgage Modification Mediation](#)

[Motion for Approval of a Permanent Mortgage Modification Agreement](#)

[Order Granting Motion for Approval of Permanent Mortgage Modification Agreement](#)
